

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAVARIAN NORDIC A/S and)
ANTON MAYR,)
Plaintiffs,)
v.) C.A. No. 05-614 (SLR)
ACAMBIS INC. and)
ACAMBIS PLC,)
Defendants.)

**STIPULATION AND PROPOSED ORDER FOR
WITHDRAWAL OF LETTERS ROGATORY AND
CANCELLATION OF DEPOSITIONS PURSUANT THERETO**

THE PARTIES HEREBY STIPULATE AND AGREE, subject to approval by the Court, to the withdrawal of the Letters Rogatory seeking examination of Falko-Günter Falkner and Wolfgang Mundt and cancellation of any depositions pursuant thereto. BN filed Letters Rogatory seeking examination of Dr. Falkner and Dr. Mundt on July 21, 2006 (D.I. 54); the Letters were signed by the Court on July 25, 2006 (D.I. 64). Austrian authorities have scheduled examination of Drs. Falkner and Mundt for November 27, 2006. Acambis has agreed that, given the claims presently at issue in the litigation, Dr. Miles Carroll shall not be called to provide live testimony as an expert or fact witness on behalf of Acambis. Accordingly, the parties agree that examination of Drs. Falkner and Mundt is no longer necessary, and jointly stipulate to the withdrawal of the Letters Rogatory and cancellation of any deposition scheduled pursuant thereto.

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SO ORDERED this 15th day of November, 2006.


UNITED STATES DISTRICT JUDGE